



CITY OF MCKINNEY, TEXAS

Agenda City Council Work Session

Monday, April 17, 2017

5:30 PM

Council Chambers
222 N. Tennessee Street
McKinney, Texas 75069

CALL TO ORDER

DISCUSS REGULAR MEETING AGENDA ITEMS

WORK SESSION ITEMS

17-380 [Open Records Requests Procedures and Statistics](#)

Attachments: [Presentation](#)

17-405 [Discussion on City of McKinney's Subdivision Ordinance as it Pertains to the Extraterritorial Jurisdiction \(ETJ\)](#)

COUNCIL LIAISON UPDATES

EXECUTIVE SESSION

In Accordance with the Texas Government Code:

A. Section 551.071 (2). Consultation with City Attorney on any Work Session, Special or Regular Session agenda item requiring confidential, attorney/client advice necessitated by the deliberation or discussion of said items (as needed) and legal consultation on the following item(s), if any:

B. Section 551.071 (A) Pending or contemplated litigation

- Formal Complaint of ADC West Ridge, L.P. and Center for Housing Resources, Inc. Against the City of Frisco
- The City of McKinney, Texas, v. Custer Storage Center, LLC v. Collin County, Texas, No. 401-03649-2015, 401st District Court of Collin County, Texas
- Arch Resorts, LLC v. the City of McKinney, Texas, and Rick Herzberger, Chief Building Official of the City of McKinney, Texas, v. Collin County, Texas, No. 219-01855-2015, 219th District Court of Collin County, Texas

B. Section 551.071 (A) Pending or contemplated litigation (contd.)

- D.B., (a minor child), by and through her Legal Guardian, Shashona Becton, an Incapacitated Person v. David Eric Casebolt, Individually, and in his Official Capacity as a Police Officer of the McKinney Police Department; The City of McKinney, Texas; and McKinney Police Department, No. 4:16-cv-00965, U.S. District Court, Eastern District of Texas

C. Section 551.072. Deliberations about Real Property

D. Section 551.074. Personnel Matters

- Assistant City Manager Appointment (Charter Sec. 34)

E. Section 551.087 – Discuss Economic Development Matters

- Project A140 – Project Rest
- Project A146 – Project Frost

ACTION ON EXECUTIVE SESSION

ADJOURN

Posted in accordance with the Texas Government Code, Chapter 551, on the 14th day of April, 2017 at or before 5:00 p.m.

Sandy Hart, TRMC, MMC
City Secretary

Accommodations and modifications for people with disabilities are available upon request. Requests should be made as far in advance as possible, but no less than 48 hours prior to the meeting. Call 972-547-2694 or email contact-adacompliance@mckinneytexas.org with questions or for accommodations.



TITLE: Open Records Requests Procedures and Statistics

COUNCIL GOAL: Operational Excellence

MEETING DATE: April 17, 2017

DEPARTMENT: Administration

CONTACT: Jose Madrigal, Deputy City Manager

RECOMMENDED CITY COUNCIL ACTION: Receive presentation.

ITEM SUMMARY:

- Staff will provide an overview of the Open Records Process.

BACKGROUND INFORMATION: N/A

FINANCIAL SUMMARY: N/A

BOARD OR COMMISSION RECOMMENDATION: N/A

SUPPORTING MATERIALS:

[Presentation](#)

McKinney City Council

Informational Series
Open Records Process
April 17, 2017



How We Receive Information Requests

- Walk-In Verbal Requests
 - Common Monthly Financial Reports, Development Reports, Budget Documents, Council Presentations, etc.
 - Not an “Open Record Request” under the Texas Public Information Act.
- Mailed-In Medical Records Request
 - Submitted by an Attorney
 - Requires Submission of Written Affidavit
- Open Record Request
 - Received Online via Records Portal or submitted in writing (email or hard copy) and input by Staff into GovQA software.
 - Is subject to the Texas Public Information Act



Open Records Request Administrators

- Records Management Office Established in 2015
 - Information Technology Department – Non-Public Safety Open Records Requests
 - 2 Employees
 - Michael Edwards, Records Manager
 - Sonya Paul, Records and Information Analyst
- Police Department Records – Public Safety Open Records Requests
 - 2 Employees
 - Heather Moody, Records Supervisor
 - Dee Williams, Records Clerk



Steps in the ORR Process Which May Require Processing Time

- Department Determination?
 - Multi-Department Requests
- Does the Request Involve a Matter Under Criminal Investigation?
 - Send to Attorney for Opinion
 - If Determined to be Public Information and no exception to disclosure applies, it is released
 - If Not; Sent to Attorney General for Opinion
- Is Clarification Needed?
 - Is the Date Range Open Ended? (i.e. 30 years or 6 months)
 - Parcel of Land? Ask for Aerial Map
 - Is the request unclear?
- Is the Request for Large Amount of Information?
 - PIA Requires the City to provide a written cost estimate if City costs exceed \$40.00.
 - If estimate is accepted, process continues; if modified, process starts over.



Information that Must Be Released

The starting point for PIA analysis is that all information held by or generated for the City and dealing with City business is public and must be released; the City must raise a specific legal exemption from disclosure in order to retain information. Examples of information that typically must be released include:

- Name, Sex, Ethnicity, Salary, Title and Dates of Employment
- Transcripts
- Training Certificates
- Employment Reviews
- Personal References and Contact Information
 - Unless Contact Information is of a Former or Current Law Enforcement Officer
- Employment Application

Form L-1



Information That May be Redacted Without Seeking AG's Opinion

- Personal Identification Information
 - Social Security, Employee ID, TCLEOSE Number, Fingerprint
 - Financial Information
 - Credit Card, Debit Card, Charge Card, Insurance Policy Number, Direct Deposit Authorization, Bank Account Number, Bank Routing Number, W-4, W-2, L2, L3, I9
 - Family Information (Law Enforcement or Employee Opt-Out Form)
 - Emergency Contact Information
 - Military Form DD-214 or Military Discharge Record
 - If It Comes into City Possession On or After September 1, 2003M
- Motor Vehicle Information – License Plate, DL #, VIN
- Email Addresses of the Public Provided to Communicate with City



Information Withheld and Sent to Attorney General for Letter Ruling

- Required by Texas Government Code 552.301(a):

“A governmental body that receives a written request for public information that it wishes to withhold from public disclosure and that it considers to be under one of the exceptions under Subchapter C must ask for a decision from the attorney general about whether the information is within that exception if there has not been a previous determination about whether the information falls within one of the exceptions.”



Information Withheld and Sent to Attorney General for Letter Ruling

- Personal Financial Information
 - Employees Withholding Allowance Certificate, Designation of Retirement Beneficiary, Choice of Insurance Carrier, Election of Optional Coverage and Amounts Paid, Participation in Voluntary Investment Program, Mortgage Payments, Assets, Credit History, Sources of Income not Related to Financial Transaction Between Individual and Governmental Body
- Form F-5
 - Unless Peace Officer Resigned or was Terminated Due to Substantiated Incident of Excessive Force or Violation of Law Other than a Traffic Offense
- Polygraph Information
 - Unless Requester is Polygraph Examinee
- Medical Information

Compilation of Criminal History on an Individual



Information Withheld and Sent to Attorney General for Letter Ruling

- Homeland Security Information
 - Information that would reveal vulnerabilities in critical infrastructure or that, if disclosed, could aid in an attack on critical infrastructure;
- Juvenile Criminal Reports
 - Records of minors alleged to have engaged in criminal activity.
- Child Abuse Information
 - Family members may have special right of access, unless they are the accused.
- Attorney-Client Communications (Privileged or Work Product)
- Real Estate Acquisition Information (if not already made public)



Information Withheld and Sent to Attorney General for Letter Ruling

- Law Enforcement Exception Materials
 - Information that would interfere with law enforcement or prosecution of a criminal matter if released;
 - Information relating to an investigation that did not result in a conviction or deferred adjudication;
 - Information relating to a threat against a police officer; or
 - Information prepared by a prosecutor that reflects mental impressions.
- Informer's Privilege
 - Protects the identity of individuals who report violations of law.



Common Requestor Concerns and Misconceptions

- Information Must be Received in 10 Business Days
 - No. Information must be provided “within a reasonable time,” and either a request for clarification, a cost estimate, or a notice that AG review will be sought must be provided within 10 business days. Reasonable time will depend on complexity, volume, need for clarification, etc.
- Staff Should Know What Information I Am Looking For
 - Staff Cannot Interpret the Request or Inquire into the Requestor’s Motives
 - Ex: Personnel Folder for a Contract Employee
- I Know There Is An Email; But I Want Staff To Find It or I Did Not Get It
 - Vague or Open Ended Requests Are Difficult
 - Ex: Emails.
 - All Emails Regarding McKinney National Airport and Funding.
 - City Receives ##,#### Emails a Day and Sends ##,#### Emails a Day
 - Best effort is given to use accurate search terms, but 100 percent of responsive information may not be recovered by software searches.
- City is not Answering my Question or Making me the Document I Want
 - The PIA applies only to documents already in existence; it does not require generating a new document. The City cannot answer questions or perform legal research to respond to a request.



2/1/2016 – 3/1/2017 Statistics

- Non- Public Safety Requests

- Received: 1,424
- Sent to Attorney for Review: 68 (4.7%)
- Average Time Requests are Fulfilled: 4.12 Days
- Percentage of Requests Fulfilled within 10 Business Days: 92.9%

- Public Safety Requests

- Received: 1,602
- Sent to Attorney for Review: 492 (30%)
- Average Time Requests are Fulfilled: 21.5 Days
- Percentage of Requests Fulfilled within 10 Business Days: 62.25%



Questions?



17-405



TITLE: Discussion on City of McKinney's Subdivision Ordinance as it Pertains to the Extraterritorial Jurisdiction (ETJ)

SUPPORTING MATERIALS: